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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/645,683  | 08/21/2003  | Vernon D. Erickson   | P1955US00           | 8301             |
| 2433  | 7590        | 10/28/2004           | EXAMINER            |                  |
| ELMER WETZEL<br>C/O MRS. ELMER WETZEL<br>412 AVE. F. WEST<br>BISMARCK, ND 58501 |             |                      | PAPE, ZACHARY       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2835                |                  |

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/645,683             | ERICKSON ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Zachary M. Pape        | 2835                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,6-10,12,14-19 is/are rejected.
- 7) Claim(s) 3,5,11,13,20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-21-2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 6-10, 12, and 14-19 rejected under 35 U.S.C. 102(b) as being anticipated by Vier et al. (Patent # 6,337,793).

With respect to claims 1 & 9, Vier et al. teaches the use of a frame (10), a pair of spaced apart brackets (19 & 21) to support the drive, a cover (16) connected to the frame via first and second pivot portions (34a, 34b) which permits access to the electrical component, and a plurality of securing devices (18, 20) mounted to both the frame (10) and the cover (16). The cover (16), when moved to the closed position engages the securing devices (18, 20) into the electronic component. (Column 3, Lines 58-62)

With respect to claims 2 & 10, Vier et al. discloses the use of the securing devices (18) and illustrates in Fig. 1 that such devices are formed integrally from the exterior of the frame and extends through the interior of the frame and into engagement with the accepted electronic component.

With respect to claim 4 & 12, the pins as disclosed in Vier et al. are used to fix the device drive into a stationary position to reduce movement of the drive. When a force of any nature is applied to the drive, the pins apply an opposite force to keep the

drive steady and in place. Thus the pins create a preferred position for the drive and are considered to be bias.

With respect to claims 6 & 14, Vier et al. teaches the use of a panel cover (16) which is configured to be detachable from the frame 10 (Column 3, Lines 28-30).

With respect to claims 7 & 15, Vier et al. teaches the use of a panel cover (16) which is pivotally (rotatably) connected via a hinge assembly (32). (Column 3, Lines 25 – 28)

With respect to claims 8, 16, 17 & 19, Vier et al. teaches that a peripheral device (42) can include such devices as a hard disk, or a compact disk drive. (Column 3, Lines 43- 45)

With respect to claim 18, Vier et al. teaches the use of a frame (10) including a pair of spaced apart brackets (21), a cover (16) mounted to the frame (10) via first and second pivot portions (34a, 34b). The cover contains securing devices (20) used to secure the device drive in the frame. Such securing devices are engaged in the electrical component when the cover (16) is closed (Column 3, Lines 58-62) and disengages when the cover is opened.

#### ***Allowable Subject Matter***

3. Claims 3, 5, 11, 13, 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

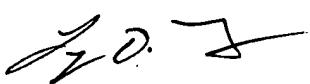
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP

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**LYNN FEILD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**